

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

NICHOLE L. HAJEK,

Plaintiff,

vs.

BECTON DICKINSON & COMPANY, A  
Domesticated Corporation;

Defendant.

**8:20-CV-112**

**ORDER**

This matter is before the Court on Plaintiff's Dismissal ([Filing 14](#)). Plaintiff requests dismissal without prejudice at her own cost. [Filing 14](#). [Federal Rule of Civil Procedure 41\(a\)\(1\)\(A\)](#) allows a plaintiff to dismiss an action by filing "(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or (ii) a stipulation of dismissal signed by all parties who have appeared." Alternatively, a plaintiff may file a motion to dismiss which the court may grant on terms it considers proper. [Fed. R. Civ. P. 41\(a\)\(2\)](#).

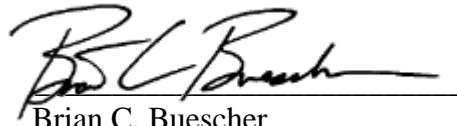
Plaintiff's Dismissal was not signed by Defendant, *see* [Filing 14](#), and Defendant filed its Answer on April 1, 2020, well before Plaintiff filed her Dismissal. *See* [Filing 4](#). Thus, [Rule 41\(a\)\(1\)\(A\)](#) is inapplicable. Similarly, Plaintiff's Dismissal is a notice of dismissal and not a motion under [Rule 41\(a\)\(2\)](#). Accordingly, Plaintiff's Dismissal is improper. If Plaintiff seeks to dismiss this action, she must comply with [Federal Rule of Civil Procedure 41](#) by filing either a proper motion to dismiss or a joint stipulation of dismissal.

IT IS ORDERED:

1. Plaintiff's Dismissal ([Filing 14](#)) is denied.

Dated this 5th day of June, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to read "B.C. Buescher", written over a horizontal line.

Brian C. Buescher  
United States District Judge